

EXHIBIT E

1 UNITED STATES BANKRUPTCY COURT

2 SOUTHERN DISTRICT OF NEW YORK

3 Case No. 08-01789-smb

4 Adv. Case No. 10-04446-smb

5 - - - - - x

6 SECURITIES INVESTOR PROTECTION CORPORATION,

7 Plaintiff,

8 v.

9 BERNARD L. MADOFF INVESTMENT SECURITIES, et al.,

10 Defendants.

11 - - - - - x

12 IRVING H. PICARD TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

13 MADOFF INVESTMENT SECURITIES LLC,

14 Plaintiff,

15 v.

16 TRUST UNDER AGREEMENT DATED 12/6/99 FOR THE BENEFIT OF

17 WALTER AND EUGENIE KISSINGER, ET AL.,

18 Defendants.

19 - - - - - x

20 U.S. Bankruptcy Court

21 One Bowling Green

22 New York, NY 10004

23 July 6, 2016

24 10:15 AM - 10:50 AM

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1 B E F O R E :

2 HON STUART M. BERNSTEIN

3 U.S. BANKRUPTCY JUDGE

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1 Hearing re: Discovery Conference re Deposition of Aaron
2 Blecker for Profit Withdrawal Proceeding

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4 Hearing re: Discovery-Related Matters (applies to various
5 additional adversary proceedings as set forth in letters
6 dated 5/24/16 from Chaitman LLP)

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25 Transcribed by: Sonya Ledanski Hyde

1 MR. JACOBS: Right.

2 THE COURT: We'll address that in a minute. But
3 it seems to me, for what the bank subpoenas were looking
4 for, if they admit that the deposits and the withdrawals
5 during the period they acknowledge are accurate, subject to
6 possible exceptions for inter-account transfers, which I
7 didn't expect them to be in a position to admit, then that
8 satisfies that aspect of the bank subpoena.

9 MR. JACOBS: Well, Your Honor, from our
10 perspective we don't -- legally our position is we don't
11 need the bank records to prove any aspect of our case. The
12 BLMIS records we have and that we produced to Ms. Chaitman
13 in every single one of these cases together, as verified by
14 the JP Morgan account records for BLMIS accounts, which show
15 the account balance activity --

16 THE COURT: You're sure going through a lot of
17 effort to get the records if you don't need them.

18 MR. JACOBS: Well, Your Honor, Ms. Chaitman is
19 contesting the accuracy of our records. And Your Honor has
20 not yet ruled on whether our proofs are sufficient. So we
21 would be committing malpractice if we didn't aggressively
22 pursue, given Ms. Chaitman's challenge to our records, the
23 bank records from the defendant, which I might add, the
24 defendant's had an obligation to preserve at a minimum, when
25 they filed their claims back in 2009 and most of them did.

C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certified that the foregoing
transcript is a true and accurate record of the proceedings.

Sonya Ledanski Hyde

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Date: July 8, 2016